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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

COBY, FRANTZ

ART UNIT	PAPER NUMBER
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2161

DATE MAILED: 11/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/809,084

Applicant(s)

DIENER, GLENDON R.

Examiner

Frantz Coby

Art Unit

2161

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 March 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4-8, 11-19, 22-26 is/are rejected.
- 7) ☒ Claim(s) 2,3,9,10,20 and 21 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 March 2001 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

This is in response to application filed on March 16, 2001 in which claims 1-26 are presented for examination.

Status of Claims

Claims 1-26 are pending

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 1-26 are rejected under 35 U.S.C. 101 because the claimed invention is not supported by either a specific asserted utility or a well established utility.

The claimed invention as a whole does not accomplish a practical application. That is, it does not produce a "useful, concrete and tangible result." State Street, 149 F.3d at 1373, 47USPQ2d at 1601-02.

Claims 1-26 are also rejected under 35 U.S.C. 112, first paragraph. Specifically, since the claimed invention is not supported by either a specific asserted utility or a well established utility for the reasons set forth above, one skilled in the art clearly would not know how to use the claimed invention.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 4-8, 11-19 and 22-26 are rejected under 35 U.S.C. 102(b) as being anticipated by Curtis et al. U.S. Patent no. 5,774,689.

As per claim 1, Curtis disclose “a provisioning engine for provisioning communications services including at least one provisioning model for carrying out common provisioning work processes, said provisioning model defining a state machine comprising a set of plural current states of said provisioning mode” by providing a network configuration management system for digital communication networks including an arrangement for dynamically provisioning infrastructure components in a digital communication network (See Curtis Abstract; Col. 3, line 58-Col. 4, line 59). In particular, Curtis discloses the claimed limitations of a “means for generating a signal” as an operational support system including a video provisioning system (See Curtis Figure 1; Col. 5, lines 53-65; Col. 6, lines 50-60). Further, Curtis discloses the claimed feature of “at least one transition operative to define conditions under which states are added to or removed from said set of current states” as a contract module entity relationships (See Curtis Col. 19, line 59-Col. 20, line 42).

As per claims 4-6, most of the limitations of these claims have been noted in the rejection of claim 1. Applicant's attention is directed to the rejection of claim 1 above. In addition, Curtis et al. disclose the claimed features of "wherein said means for generating a signal comprises an external API of the provisioning engine" as shown in FIG. 1, the OSS preferably includes a video information provider (VIP) interface 12; "wherein said means for generating a signal comprises one of said transitions"; wherein said means for generating a signal comprises means for generating a signal API call and means for delivering a signal at a predetermined time after the corresponding signal API call" through The VIP interface 12 which, provides an optional interface for the VIPs that restricts their access in the network to their own VIP profiles in the database 16. Thus, the VIPs are given limited access to the databases, thereby ensuring security for other competing VIPs.

As per claims 7-8, most of the limitations of these claims have been noted in the rejection of claim 1. Applicant's attention is directed to the rejection of claim 1 above. In addition, Curtis et al. disclose the claimed features of "wherein said model comprises plural executing instances each having means for storing data specific to the instance"; "wherein said model comprises means for storing data to be used by each of said instances" as a relational database (See Curtis et al. FIG. 2) and as FIG. 3 which is a diagram of an exemplary relational structure of object clusters stored in a the library (component 52 of figure 3).

As per claims 11-13, most of the limitations of these claims have been noted in the rejection of claim 7. Applicant's attention is directed to the rejection of claim 7 above. In addition, Curtis et al. disclose the claimed features of "wherein at least one of the said instances includes calls to another model as a subinstance"; " wherein said subinstance comprises means for communicating with said at least one instance"; " wherein transitions of said at least one instance are configured to stop executing while said subinstance executes and continue executing when said subinstance is done executing" (See Curtis et al. Figures 8-10 and corresponding text).

As per claim 14, all the limitations of this claim have been noted in the rejection of claim 1. It is therefore rejected as set forth above.

As per claims 15-19, most of the limitations of these claims have been noted in the rejection of claim 14. Applicant's attention is directed to the rejection of claim 14 above. In addition, Curtis et al. disclose the claimed features of "wherein at least one of the said instances includes calls to another model as a subinstance"; " wherein said subinstance comprises means for communicating with said at least one instance"; " wherein transitions of said at least one instance are configured to stop executing while said subinstance executes and continue executing when said subinstance is done executing" (See Curtis et al. Figures 8-10 and corresponding text).

As per claims 22-24, most of the limitations of these claims have been noted in the rejection of claims 11-13. Applicant's attention is directed to the rejection of claims 11-13 above. In addition, Curtis et al. disclose the claimed features of "wherein said means for generating a signal comprises an external API of the provisioning engine" as shown in FIG. 1, the OSS preferably includes a video information provider (VIP) interface 12; " wherein said means for generating a signal comprises one of said transitions"; wherein said means for generating a signal comprises means for generating a signal API call and means for delivering a signal at a predetermined time after the corresponding signal API call" through The VIP interface 12 which, provides an optional interface for the VIPs that restricts their access in the network to their own VIP profiles in the database 16. Thus, the VIPs are given limited access to the databases, thereby ensuring security for other competing VIPs.

As per claim 25-26, all the limitations of these claims have been noted in the rejection of claims 1, 4-6, 7-8 and 11-13. They are therefore rejected as set forth above.

Allowable Subject Matter

Claims 2-3, 9-10, 20-21 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frantz Coby whose telephone number is (571) 272-4017. The examiner can normally be reached on Monday-Friday 3:00 P.M. - 11:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on 571 272 4023. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Frantz Coby
Primary Examiner
Art Unit 2161

November 20, 2004